

Calendar date of 06/15/10

All corrections to notes on this calendar should be filed by 06/08/10. Documents filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 06/15/10 TIME: 9:30 DEPT: R15P

CASE #: GAR RS1000015 FILING DATE; 02/18/10

CASE NAME: JENAVIEVE A SAGASTA, ET AL

HEARING:

Petition for APPOINTMENT OF GUARDIANSHIP (PERSON ONLY)

	COUNSEL:
MARICELA SAGASTA	(PET)...PRO/PER
AMADO L SAGASTA	(PET)...PRO/PER
JENAVIEVE A SAGASTA	(MIN)...
AIDEN M SAGASTA	(MIN)...
MIRANDA A SAGASTA	(MIN)...

GENERAL INFORMATION:

Temporary guardianship granted 2/23/10.

Continued from 3/30/10, 5/4/10 to clear notes

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, person only, by maternal grandparents, minors 4, 2, 8 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioners allege possible CPS involvement (red tab in file).
2. Waiver and consent signed by Mother.
3. Consent is signed but undated by petitioners. Court may wish to have petitioners interlineate (green tab in file) or file completed form.
4. Need notice of hearing and proof of personal service on Father #1 (Castro) and Father #2 (Bello) or file due diligence declaration.
5. Need notice of hearing and proof of mail service on paternal grandparents #1 (Castro) and paternal grandparents #2 (Bello) or file due diligence declaration.
6. Guardianship Questionnaire needs signature of co-petitioner Amado Sagasta on pages 8 and 9.

RECOMMENDATION:

Need notice and signature per Note 6; then Court's discretion.

(fhl/kra/fhl)

CIVCAL4

Rancho District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 06/15/10 TIME: 9:30 DEPT: R15P

CASE #: GAR RS900051 FILING DATE: 03/26/09

CASE NAME: LETICIA KIMBLEY, ANTHONY KIMBLEY

HEARING:

Hearing Re: APPOINTMENT OF GUARDIAN filed by DEBORAH CRAM

COUNSEL:

DEBORAH F CRAM	(PET)...PRO/PER
JOHN L CRAM	(PET)...PRO/PER
LETICIA KIMBLEY	(MIN)...
ANTHONY KIMBLEY	(MIN)...
DANA M KIMBLEY-GLEASON	(PET)...STEPHEN F. DIAL

GENERAL INFORMATION

Temporary Letters issued 4/1/09 to Deborah Cram.

Continued from **4/28/09** as father is in custody and requesting for the opportunity to participate. Court orders father, Stephen Kimbley, transported from West Valley for the next hearing. Matter referred to the Court Investigator and FCS for reports.

Continued from **6/23/09**. Father is present and does not object to temporary guardianship by Dana Kimbley-Gleason. Court grants paternal grandmother visitation.

Continued from **7/28/09** at request of Court Investigator. Father, Steven Kimbley is ordered transported for the next hearing.

Continued from **8/25/09** and **10/13/09** for Court Investigator report.

Continued from **11/10/09** for Court to review Court Investigator report.

Continued from **12/15/09**. Court and counsel confer in chambers OFF the record. Matter continued pursuant to stipulation of counsel. Notice waived.

Continued from **2/9/10**. Parties referred to Court Investigator.

Continued from **3/30/10** at request of Court Investigator.

Continued from **5/4/10** for parties to review Court Investigator report.

Continued from 5/12/10. Attorney Dial states he will be filing motion to be relieved as counsel. Court to discuss if matter should be set for trial. Dana Kimbley-Gleason is ordered to return on continued date with no further notice or subpoena.

THIS CASE SET FOR HEARING ON Petition for Guardianship, person only, minors 10 & 9

#1 By step-paternal grandparents, Deborah & John Cram

#2 Competing petition by paternal grandmother, Dana Kimbley-Gleason

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

#1 by Cram:

1. Mother is deceased.
2. Need notice of hearing and proof of personal service on father.
3. Need notice of hearing and proof of mail service on maternal grandfather and biological paternal grandfather each or file due diligence declaration(s)
4. **Request to excuse notice as to maternal grandmother indicating efforts to contact her were unsuccessful. JTD**
5. Court to review Confidential Screening form.
6. **Objection filed by Dana Kimbley-Gleason.**
7. **Need Court Investigator report as parties referred per 2/9/10 Minute Order.**

#2 by Kimbley-Gleason:

8. Father signed a nomination, waiver and consent as to petitioner Dana Kimbley-Gleason.
9. Due diligence declaration filed as to mother indicating efforts to locate were unsuccessful. JTD
10. Section 1g of the Child Information attachment is incomplete as to the person(s) the minors are living with currently. However, as a temporary guardian has been appointed, Court may wish to confirm the minors' residence.
11. Need notice of hearing and proof of personal service on guardians.
12. Due diligence declaration filed as to maternal grandparents indicating name/whereabouts are unknown. JTD
13. Need notice of hearing and proof of mail service on paternal grandmother or file due diligence declaration(s)
14. Court to review the Guardianship Questionnaire and Confidential Screening forms.
15. Court Investigator report filed 11/13/09. Addendum Report filed 12/11/09. Court is directed to addendum report.
16. **Need further Court Investigator report per 2/9/10 Minute Order.**

RECOMMENDATION:

Need notice and Court Investigator report.

(kra/gls/kra/fhl)

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 06/15/10 TIME: 9:30 DEPT: R15P

CASE #: GAR RS900051 FILING DATE; 03/26/09

CASE NAME: LETICIA KIMBLEY, ANTHONY KIMBLEY

HEARING:
Petition for APPOINTMENT OF GUARDIAN filed by DANA M
KIMBLEY-GLEASON

	COUNSEL:
DEBORAH F CRAM	(PET)...PRO/PER
JOHN L CRAM	(PET)...PRO/PER
LETICIA KIMBLEY	(MIN)...
ANTHONY KIMBLEY	(MIN)...
DANA M KIMBLEY-GLEASON	(PET)...STEPHEN F. DIAL

See notes previous page.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 06/15/10 TIME: 9:30 DEPT: R16P

CASE #: GAR RS1000010 FILING DATE; 02/03/10

CASE NAME: ESMERALDA S VELASQUEZ

HEARING:

Hearing re: Petition for Appointment of Guardian

	COUNSEL:
ADELINA R LOPEZ	(PET)...PRO/PER
ESMERALDA S VELASQUEZ	(MIN)...

No file available for review.

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 06/15/10 TIME: 9:30 DEPT: R16P

CASE #: GAR RS800074 FILING DATE; 06/04/08

CASE NAME: SERENA STEELE/JACOB & KYLE SERRANO

HEARING:
Hearing Re: Further accounting review

	COUNSEL:
SHELIA SERRANO	(PET)...PRO/PER
SERENA STEELE	(MIN)...
JACOB SERRANO	(MIN)...
KYLE SERRANO	(MIN)...

GENERAL INFORMATION:

Continued from **9/15/09**. Court found no accounting has been filed by petitioner.
Continued from **11/10/09** for petitioner to clear notes.

Continued from 12/15/09, 2/23/10, 4/6/10 as no appearance. Notice given by Courtroom Clerk.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Guardian appointed 7/8/08, no bond as funds are held in blocked accounts.
2. No accounting filed. **Declaration as to online bank statements attached filed. However, no accounting is filed. Court may wish to refer petitioner to GAP for assistance in filing an accounting per Pr.C.§2620 or waiver of account per Pr.C.§2628.**
Petitioner has filed a summary of account for each account for minors. Need copies of bank statements or a letter from the bank confirming the beginning and ending balances for accounts. However it appears each minor's estate qualifies for waiver of account per Pr.C. §2628. Court may wish to refer petitioner to Guardianship Assistance Program for assistance in filing a waiver of account.
3. **Copies of online bank statements indicate the accounts are held in petitioner's name for the benefit of minors. There is nothing to indicate**

**that the accounts are blocked. Court may wish to require petitioner to file
Proof of Blocked Account (form MC-356).**

RECOMMENDATION:

Need proper accounting or waiver of accounting.

(kra/fhl)

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 06/15/10 TIME: 9:30 DEPT: R16P

CASE #: RG RS01233 FILING DATE; 11/22/02

CASE NAME: PRECIOSA MIA FERNANDES

HEARING:

Hearing re: Petition for Termination of Guardianship

	COUNSEL:
VIRGINIA HELEN BIEDEBACH	(PET)...MARICIC & GOLDSTEIN
HARVEY HARLAN BIEDEBACH	(PET)...MARICIC & GOLDSTEIN
PRECIOSA MIA FERNANDES	(MIN)...
BARRY ESKIN	(AGN)...PRO/PER

No file available for review.

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 06/15/10 TIME: 9:30 DEPT: R16P

CASE #: RG RS01626 FILING DATE; 02/23/05

CASE NAME: DOROTHY MCGUIRE

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

BERNADETTE TUROWETZ	(PET)...TED R YOUMANS
KARL TUROWETZ	(PET)...TED R YOUMANS
DOROTHY MCGUIRE	(MIN)...

GENERAL INFORMATION:

Maternal aunt and uncle appointed guardian 3/22/05.

THIS CASE IS SET FOR HEARING ON: Petition for Termination of Guardianship by guardians, minor now 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioners are guardians of minor and state that minor no longer wishes to live with them.
2. Need notice of hearing and proof of mail service on father, mother, minor, paternal grandparents, maternal grandparents and siblings age 12 or older or file due diligence declaration.
3. Before guardianship may be terminated as to current guardians, need appointment of successor guardian.

RECOMMENDATION:

Need notice and appointment of successor.

(fhl)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/15/10 TIME: 9:30 DEPT: R17P

CASE #: GAR RS1000047 FILING DATE; 05/12/10

CASE NAME: TROY AUSTIN ABANDY

HEARING:
Hearing re: Petition for Appointment of Guardian

COUNSEL:
PATRICK ABANDY (PET)...PRO/PER
RACHEL ABANDY (PET)...PRO/PER

GENERAL INFORMATION:
Temporary Letters issued 5/18/10.

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, person only, by
maternal grandparents, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Need notice of hearing and proof of personal service on father and mother or
 file due diligence declaration. However, petitioners state that father is
 incarcerated.
 When a person who is to receive personal notice of a guardianship
 proceeding is incarcerated in a jail or prison at the time of the filing of the
 Petition for Guardianship, the Court may find that service upon the
 incarcerated person by certified mail is legally sufficient. Such a request for
 alternative service shall be accompanied by a declaration explaining why it
 would be a hardship for the petitioner to personally serve the incarcerated
 person. (Local Rule 20-1317). Need proof of certified mail service with
 accompanying declaration.
2. Need notice of hearing and proof of mail service on paternal grandparents
 and siblings age 12 or older or file due diligence declaration.
3. UCCJEA indicates related matter (FAMRS 902908).

RECOMMENDATION:
Need notice.
(fhl)

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/15/10 TIME: 9:30 DEPT: R17P

CASE #: GAR RS1000048 FILING DATE; 05/12/10

CASE NAME: KALEHA A SPENCER

HEARING:

Hearing re: Petition for Appointment of Guardian

Hearing Re: Fee Waiver Request. ROSSLYN SIMMONS

	COUNSEL:
ROSSLYN D SIMMONS	(PET)...PRO/PER
KALEHA A SPENCER	(MIN)...

GENERAL INFORMATION:

Temporary Letters issued 5/18/10.

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, person only, by maternal second cousin, minor 13.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is a second cousin to minor. DCS report is required.
2. As father is not listed on the minor's birth certificate (copy in confidential envelope) the father and PGPs are unknown. No notice is required.
3. Need notice of hearing and proof of personal service on mother and minor or file due diligence declaration.
4. Need notice of hearing and proof of mail service on maternal grandparents and siblings age 12 or older or file due diligence declaration.
5. UCCJEA incomplete as to the minor's residence for last 5 years. Need corrected UCCJEA.

RECOMMENDATION:

Need notice. Need DCS report.

(fhl)

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/15/10 TIME: 9:30 DEPT: R17P

CASE #: GAR RS800180 FILING DATE; 11/18/08

CASE NAME: DONNA PAOLA MUNOZ

HEARING:
Hearing re: Petition for Termination of Guardianship

	COUNSEL:
MARTHA E MUNOZ	(PET)...PRO/PER
DONNA PAOLA MUNOZ	(MIN)...
TERESA MUNOZ	(MOT)...PRO/PER

GENERAL INFORMATION:

Maternal grandmother appointed guardian 12/23/08.

Continued from **3/30/10** due to unavailability of Court. Clerk mailed notice.

Continued from 5/4/10. Court excuses notice to Father Paternal Grandparents and Maternal Grandfather. Matter referred to Family Court Services.

THIS CASE IS SET FOR HEARING ON: Petition for Termination of Guardianship by Mother, minor now 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner requests termination of guardianship.
2. Need Family Court Services report.

RECOMMENDATION:

Need Family Court Services report; then Court's discretion.

(fhl/kra/fhl)